

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re the application of: David Keith JAMES et al.

Serial No.: 10/595,378

Filed: 13 October 2004

Group Art Unit: 3762

Confirmation No.: 8440

Examiner: Lavert, Nicole

Title: FETAL SURVEILLANCE

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§1.6(a)(4) on March 22, 2011.

/Patricia Romanelli/
Patricia Romanelli

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND NOTICE OF APPEAL PURSUANT TO 37 CFR § 41.31(a)

Dear Sir:

Applicants hereby maintain their **appeal** to the Board of Patent Appeals and Interferences in view of the Examiner's third rejection, mailed December 27, 2010, of Claims 1-39 in the above-identified Application.

Applicants in particular are appealing the Examiner's rejection of Claims 1 – 39 under 35 USC § 103 as obvious in view of the prior art.

Both the fee for the Notice of Appeal, set forth in 37 CFR 41.20(b)(1), and the fee for the Appeal Brief, set forth in 37 CFR 41.20(b)(2), were submitted previously, before the Examiner reopened prosecution. Pursuant to 37 CFR § 41.37 and MPEP 104.01, Applicants file a Second

Appeal Brief herewith. Applicants believe that no fee is due, but the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to the same deposit account.

Respectfully submitted,

/Jefferson Perkins/

Jefferson Perkins

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